Karen's comments

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Just a few comments on the Tribe's letter - most of the issues appear to be legal or technical issues for Ecology. I won't be able to attend the Jan 18 meeting...

1. As the Tribe discussed in their letter, Commencement Bay is a Superfund Site. EPA's Record of Decision for problem areas in the Bay requires sources of contamination to be controlled before the marine sediments are cleaned up. NPDES permits and RCRA Corrective Actions, such as those issued to Occidental, are among the most important components of EPA's and Ecology's source control strategy.

   EPA Superfund has worked with EPA RCRA to ensure that sources of contamination from Occidental to the Hylebos Waterway are controlled. EPA Superfund fully supports the proposed groundwater pump and treat system, which we believe is necessary to remediate the contaminated groundwater that has been identified as an ongoing source of problem chemicals to Hylebos Waterway (see EPA/Ecology Source Control Milestone 2 Letter Report for Mouth of Hylebos Waterway; March 3, 1993). We also support Ecology's proposed modification to Occidental's NPDES permit, which is necessary to allow the discharge of treated groundwater to Hylebos Waterway. If we want groundwater cleanups, there are no feasible alternatives except to discharge treated groundwater to the waterway.

   Other NPDES permits that allow discharge of treated groundwater to Cbay include: Elf Atochem, D Street Petroleum (=Shell Oil Company, Mobil Oil Corporation, and Unocal), Time Superior Oil. Reichhold is currently planning to discharge treated groundwater to Blair.

2. Sediment Monitoring. Under a typical NPDES waste discharge permit, an applicant will perform a sediment monitoring program one time during the 5-year cycle of the permit. In Commencement Bay problem areas, EPA Superfund and Ecology have evaluated individual NPDES permits, considering the type of discharge and discharge location. In certain cases, we have not required marine sediment baseline monitoring until Superfund remediation is completed. Near-outfall sediment data collected prior to Superfund remediation may be difficult to interpret, primarily because those sediment data would likely reflect historical contamination, and data may not necessarily reflect potential effects of the current wastewater discharge.

   Furthermore, EPA Superfund will collect sediment and other environmental data as part of remedial design efforts in each problem area, and there is no certainty that data collected under the permit would be used to support Superfund's cleanup efforts. Depending on the situation, it may not be prudent to request applicant's to expend monies on separate sediment baseline studies when data are not suitable for a baseline, and cannot be used to evaluate

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potential sediment contamination from discharges.

My understanding is that Ecology and Occidental have signed an Order (93WQ-S190), which requires Occidental to submit a plan for baseline sediment monitoring within 18 months after Superfund cleanup, with sampling to be conducted the following March or April. [Catherine, Norm should know about this...] Extensive existing sediment data (including data collected by Occ in 1990) collected adjacent to Occidental show that this area is contaminated - thus, EPA Superfund would not object to delaying sediment baseline monitoring until after remediation.

Certain permits in Cbay allow sediment monitoring efforts to be delayed until after Superfund remediation (e.g., Kaiser). Other permits have delayed requirements for baseline sediment monitoring until certain engineering designs or site discharge configurations (e.g., ultimate locations of outfalls) have been completed (e.g., AK-WA, Martinac, MINW).

3. DuBey's letter states that "Occidental has chosen to "cleanup" these hazardous substances by releasing them to CB under a NPDES Permit". The chemicals are already being released to the bay through groundwater seeps - to minimize and reduce releases of the chemicals to the bay the groundwater will be treated by Occidental's treatment system. The intent of the permit is to provide acceptable effluent limits for that discharge. If we don't pump and treat the groundwater, higher concentrations of chemicals will enter the Bay and cause more environmental harm! What's better - to stop the cleanup and cause more harm, or allow the cleanup to proceed and risk the chance that Occ might use the FPR defense for future claims?

4. City of Tacoma POTW - there are a number of situations where the City of Tacoma WWTP has refused to accept wastewater from facilities (e.g., apparently the City has shut down development in Fife, because Fife's wastewater goes to the City's WWTP, and the City doesn't have enough capacity). There are no situations where EPA Superfund has forced the City to accept a wastestream from a facility. This alternative wouldn't really address DuBey's concern anyway - even if the treated groundwater went to the City, it would ultimately be discharged under a NPDES permit to CBay via the City's outfall (and there's no assurance that there would be lower chemical concentrations in that effluent).